

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ORIGINAL

DEF
CIM

-----x
J&J SPORTS PRODUCTIONS, INC.,
as Broadcast Licensee of the January 21,
2006 Morales/Pacquaio Program,

Plaintiff,

-against-

MEMORANDUM AND ORDER

Case No. 06-CV-3703 (FB) (RML)

HILARIO D. URENA, individually and as
officer, director, shareholder and/or
principal of Sajoma Restaurant Corp. d/b/a
Sajoma Restaurant a/k/a Sajoma Rest; and
SAJOMA RESTAURANT CORP. d/b/a
SAJOMA RESTAURANT a/k/a
SAJOMA REST.,

Defendants.

-----x
Appearances:

For the Plaintiff:

JULIE COHEN LONSTEIN, ESQ.
Lonstein Law Office, P.C.
Post Office Box 351
Ellenville, New York 12428

BLOCK, Senior District Judge:

On September 7, 2007, Magistrate Judge Levy issued a Report and Recommendation ("R&R") recommending that a default judgment of \$4,000, plus \$1,302.50 in attorney fees and costs, be entered in favor of plaintiff and against defendants. The R&R recited that "[a]ny objection to this Report and Recommendation must be filed with the Clerk of the Court . . . within ten (10) business days," and that "[f]ailure to file objections within the specified time period waives the right to appeal the district court's order." R&R at 10.

Plaintiffs' counsel served the R&R on defendants by mailing a copy to their last known address on September 12, 2007, making objections due by September 28, 2007. *See* Fed. R. Civ. P. 6(a) ("When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation."), 6(e) (adding three days for responses to documents served by mail). To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will excuse the failure to object, however, and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). Here, nothing in the R&R suggests plain error. Accordingly, the Court adopts the R&R without *de novo* review.

SO ORDERED.

/signed/

FREDERIC BLOCK/
Senior United States District Judge

Brooklyn, New York
September 28, 2007